

Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 23rd day of February, 2010. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard, Jerold Kracl and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk, and Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Kracl; second Oehlich to approve the agenda. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Oehlich; second Kracl to approve the minutes of February 8, 2010. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The county attorney informed the commissioners of the statues which provide the means by which the county may obtain and appoint a new public defender via contract. He explained that the first step would be for the board to appoint a three member policy board. The policy board would then begin the process gathering information and advising the commissioner's on how to proceed.

The clerk provided the fund balance; December Lodging Tax revenue; the PrairieLand RC&D 2009 Annual Report and NIRMA 2009 Annual Report. She reviewed correspondence from NACO announcing Chris Rodgers as a candidate for National Association of Counties 2nd Vice President and Dakota County Board of Commissioners requesting a letter of support for LB955-The Correctional Facility Reimbursement Act to Senator Bob Giese. On March 3rd Mike Boden, with National Insurance Services, will explain the dental and vision benefit plans that are available to Colfax County employees. The clerk will also register the commissioners for the Spring Workshop in Norfolk.

The December inmate log from Platte County was provided to the board and placed on file.

The board received a copy of the January public defender report and placed on file.

Motion Oehlich; second Heard to authorize the chairman to sign the 1 year renewal agreement with Galaxy Tech for Corporate Anti-Virus protection on the county system for the amount of \$462.50. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Kracl second Oehlich to approve the following claims and issue checks for them. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

<u>All Funds</u>		
Blue Cross-Blue Shield	Health Premiums	27,872.67
Ameritas Life Ins. Co.	Retirement Premiums	9,973.69
EFTPS	FICA/Medicare	10,653.60
<u>Juv. Div. Program</u>		
Salaries		1,326.00
<u>911 Fund</u>		
Frontier	Service	434.69
Indoff	Office supplies	79.94
Jodi Kinman	Mileage	91.10
Qwest	Service	1,214.17
<u>Road Bridge Fund</u>		
Salaries		39,046.95
Alltel	Service	136.53
Auto Glass Center, Inc	Equipment parts/labor	106.45
Bomgaars Supply	Shop supplies/chains/tools	834.86
Clarkson Plumbing & Heating	Shop supplies	52.98
Cooperative Supply Inc.	Fuel/heating fuel/shop supplies	7,163.84
Dept. of Utilities	Services	1,270.27
Doernemann Construction, Inc.	Snow removal	38,293.75
Doernemann Farm Service Inc.	Shop supplies/equipment parts	232.39
Eakes	Office supplies	187.32
Farmers union Coop Gas	Fuel/tire repair/seed oats	5,090.31
Fastenal	Shop supplies/equipment parts	71.13
Fiala Chevrolet & Buick Inc.	Equipment parts/labor	200.33
Frontier	Phone	54.77
Grovijohn Feeds	Shop supplies	11.70
Hanel Oil, Inc	Fuel/tire repair	4,276.09

Hegemann Hardware & Electric	Shop supplies	167.40
J & B Auto Parts	Equipment parts/shop supplies/tools	364.03
J & L Automotive	Tire	494.36
JEO Consulting	Survey	270.00
John's Tire Sales	Tire repair/labor	153.95
Leigh World	Notice	75.58
Loup Public Power-Columbus	Services	310.06
Mainelli-Wagner & Associates Inc	Contract/bridges	5,809.01
Midwest Service & Sales	Signs/blades/chains/barricades	16,945.12
NE-Nebr. Co. Officials Assn.	Registration	20.00
Nebraska Machinery Co.	Equipment parts/labor/blades	2,905.79
Oakview One Stop	Fuel	504.81
Occupational Health Services	Annual Fee	60.00
OPPD	Services	134.55
Power Plan	Equipment parts/labor	629.79
Qwest	Service	147.16
Reinecke Motor Co.	Equipment parts/labor	91.40
Sapp Bros. Petroleum, Inc	Fuel	2,759.44
Schuyler Cooperative Assn.	Fuel/heating fuel	5,879.57
Schuyler Lumber	Lumber	39.45
Stern Oil Co. Inc.	Equipment grease/oil	2,188.68
U & I Sanitation	Service	22.00
Vacin, Inc.	Equipment parts/shop supplies	690.87
Village of Howells	Service	31.75
Village of Leigh	Service	176.85

General Fund

Salaries		103,855.86
Advanced Correctional Healthcare	Pharmacy services	36.48
Eric J. Aerni	Jury	175.00
AJ Guns	STOP	1,190.00
Alegent Health Memorial Hospital	Service	95.40
Sandra J. Allen	Atty fees	5,581.25
Alltel	Service	122.56
Patricia Arps	Jury	44.00
AS Central Finance	Network serv #6506	448.00
AS Central Finance	Network serv #6507	255.75
Calvin Bartling	Jury	60.00
Behavioral Interventions	Electronic Monitoring Services	138.09
Robert Bierbower	Atty fees	465.00
Black Hills Energy	Utilities	593.19
Kenneth L. Blum	Jury	215.00
Thomas J. Blum	Jury	57.00
Bomgaars Supply	Supplies/bldg repair	100.50
Robert E. Bowen MD PC	Autopsy cost	1,800.00
Buffalo County Sheriff	Subpoena service	19.06
Narisa Castillo	Jury	35.00
Daniel D. Cech	Jury	58.00
Randy G. Cech	Jury	52.00
Central Community College	Registration	105.00
Robert Cerny	Lodging/meals	176.93
Claritus	Ink Cartridge	268.48
Clarkson Memorial Library	Interlocal	4,166.66
Clarkson TV & Appliance	TeleCourt System	30.00
Lisa Clausen	Jury	52.00
Clerk of the District Court	Court Costs	174.00
CMRS-FP	Postage	500.00
Coca-Cola	Vending	99.50
Colfax County Clerk	Petty cash	69.34
Colfax County Court	Court Costs	488.83
Colfax County Press	Subscription/election notice/6 mo report	192.26
Colfax County Sheriff	Uncollected Fees	924.05
Colfax County Treasurer	Deposit slips	24.90
Columbus Telegram	Minutes/notices/6 mo report	507.50
Community Internet Services	Internet	350.00
Computer Innovations, LLC	Device Cable	15.00
Jodi M. Connealy	Jury	43.00
Constellation Energy	Utilities	2,972.95
Cooperative Supply Inc.	Fuel	171.97
Creighton Medical Laboratories	Autopsy cost	546.24
Culligan	Salt	60.30
Robert P. Dahlstedt	Mileage/reg	90.00

Divina I. Damone	Jury	35.00
Dept. of Utilities	Utilities	3,543.78
Brenda Sue Dirkschneider	Jury	62.00
Divine Mercy Parish	Polling Place Rental	250.00
Dodge County Court	Cert. copy	4.25
Dodge County Sheriff	Subpoena service	25.06
Brenda Dolezal	Supplies	10.70
Samantha J. Dostal	Jury	63.00
Raymond Drueppel	Jury	175.00
Nicholas Dunn	Jury	65.00
	Office	
Eakes Office Prod. Center	supplies/calculator/paper	1,216.01
Egan Supply Company	Janitorial supplies	51.45
Egr & Birkel	Atty's fees	630.00
Douglas A. Eisenmann	Jury	45.00
ESRI Inc.	Maintenance	1,500.00
Lynn A. Faltys	Jury	35.00
Fehringer Mielak & Fehringer	Atty's fees	480.00
David L. Fendrick	Jury	52.00
Frye, Frazey & Assoc.	Court Security	828.00
Galaxy Tech	Virus Scan Support	462.50
GasRite Inc.	Fuel	512.27
GE Capital	Copier	139.80
Kevin E. Gewecke	Jury	35.00
Grant & Grant	Atty's fees	951.25
Robin S. Groene	Jury	58.00
Gross & Welch	Atty's fees	248.00
Juan Gutierrez	Interpreter	10.00
Cecil A. Hahn	Jury	42.00
Hampton Inn	Lodging	73.00
Susan Hansen	Travel Expense	486.43
Robert R. Harding	Jury	35.00
Michael Hart	Jury	52.00
HHS Institution Payments	Lincoln	279.00
	Beatrice	93.00
Joseph M. Heavican	Maintenance	909.06
Kevin J. Hegemann	Jury	55.00
Brandy L. Held	Jury	315.00
Tony W. Hemmer	Uniforms	35.00
Mike Himburg	Witness/mileage	86.66
Holiday Inn	Lodging	99.00
Holiday Inn of Kearney	Lodging	438.00
Hometown Leasing	Copiers	766.69
Patricia Horejsi	Jury	225.00
	Subscription/election notice/6 mo report	
Howells Journal		218.76
Howells Public Library	Interlocal	4,166.66
Indoff	Office supplies/cart	1,737.92
Jackson Services	Service	61.00
JEO Consulting Group	Survey	450.00
Just Another Mini Mart	Fuel	563.74
William E. Kaiser	Contract	2,100.00
Karel/Seckman	Atty's fees	630.00
Janis Kasik	Supplies/mileage/meals	58.03
Kelly Ann Kort	Jury	215.00
Tracey R. Kracl	Jury	35.00
Dori L. Kroeger	Printer/juror supplies	139.73
Viola M. Kroeger	Jury	35.00
Brenda J. Krupka	Jury	175.00
	Prisoners	
Paul Kruse	meals/postage/lodging	279.03
Lancaster County Sheriff	Paper service	18.53
Last Chance	Jury lunch	123.67
Leigh Public Library	Interlocal	4,166.66
	Subscription/election notice/6 mo report	
Leigh World		410.80
Jon H. Linnenkohl	Jury	250.00
Kelly Lowe	Witness	20.00
Madison County Sheriff's Dept	Subpoena service	31.44
Robert A. Mang	Jury	35.00
Sandra Martinek	Mileage/witness	576.76
Joan Mastny	Jury	50.00
William Mattfeld	Jury	40.00
Paul V. Mausbach	Jury	35.00
Linda A. McMullin	Jury	63.00
James J. Mejstrik	Jury	175.00

Menard's	Building repair	113.06
Shawn Messerlie	Uniforms	35.00
Martin Metschke	Electronic Monitoring	360.00
Charles Meyer	Contract zoning	2,747.25
John A. Micek	Jury	35.00
Microfilm Imaging Service	Service	380.00
Mid-American Benefits Inc.	Deductible reimbursement	355.58
MIPS	Network support	2,485.43
Kelly J. Misek Jr.	Jury	47.00
Carla J. Moeller	Jury	46.00
Moore Wallace	Office supplies	565.12
Pat Muhle	Jury	35.00
NE Nebr.of County Officials	Spring workshop	180.00
NE Assn of County Officials	2009 Annual Conference Reg	25.00
NE County Assessors Assoc	Registration	95.00
NE Public Health Service System	Blood test cost	336.00
Aaron Nygren	Mileage/reg/parking	298.00
Oakview One Stop	Fuel	1,081.47
Officenet	Supplies	92.35
Officenet Inc.	Office supplies	163.64
Celeste Palensky	Janitor	94.50
Ivan L. Pelan	Jury	175.00
Mary K. Peschel	Jury	38.00
Donna Petersen	Jury	35.00
Pioneer Telephone	Service	416.68
Pizza Hut	Jury lunch	119.79
Platte County Detention Facility	BOP	35,325.00
Platte County Court	Cert. copy	3.25
Platte County Sheriff	Paper service	75.19
Platte County Victims Assistance	Postage	25.50
Platte Valley Printing	Office supplies	49.99
Qwest Communications	Services (CH)	590.99
	Ext/Weed	163.77
Reinecke Motor Co.	Vehicle repair	1,403.14
Schneider Oil Co.	Fuel/tire repair	742.16
Myron W. Schneider	Jury	35.00
Schuyler Coop Assn.	Fuel	45.21
Schuyler Electric, Inc.	Building repair	60.00
Schuyler Golf Club	Jury lunch	86.00
Schuyler Public Library	Interlocal	12,500.00
Sec. of State	Copies	40.00
Frances E. Seymour	Jury	58.00
Debra L. Silvester	Jury	35.00
Sipple/Hansen/Emerson/Schumacher	Atty's fees	2,849.25
Sleep Inn & Suites	Lodging	719.90
James C. Stecker	Atty's fees	1,492.50
Carol A. Steffen	Jury	35.00
Brett Struebing	Uniforms	35.00
Terry Lyn Taylor	Jury	23.00
Kenneth L. Thomas	Jury	58.00
Steve J. Tomka	Jury	53.00
Mandy Trout	Photos	16.00
Mitchell L. Tucker	Jury	45.00
U & I Sanitation Service	Service	109.00
Diane L. Uher	Jury	59.00
Laura J. Vanek	Jury	35.00
Visa	Furniture	988.00
Don J. Vrbicky	Jury	290.00
Shirley T. Wachal	Jury	43.00
Robert Wais	Jury	175.00
Karen Wasko	Jury	56.00
Watchguard Video	D-1 System	2,110.00
Wayne's Repair Service	Vehicle repair	720.71
Donna K. Welch	Jury	280.00
West Publishing Payment Ctr	Westlaw	553.97
Jame P. Westerbuhr	Jury	38.00
Barb Willison	Mileage	230.70
Wire Free Nebraska Inc.	Internet	79.95
Xerox Corporation	Copier	551.91
Anna K. Yopez	Jury	35.00
Andrew Yost	Uniform	35.00
Jerry L. Zelenda	Jury	35.00

Recessed at 9:10 a.m. and reconvened at 9:35 a.m.

Lisa Hurley/Northeast Nebraska Economic Development District addressed the board on the opportunity for the county to apply for housing funds on a county-wide basis. She provided the 2010 Nebraska Affordable Housing Program Pre-Application and reminded the commissioners that by submitting a pre-application that the county is simply stating an interest in submitting a full application. Also attending were Howells Village Clerk, Mayor and Council Member of Clarkson.

Motion Kracl; second Oehlich to authorize the chairman to sign the 2010 Pre-Application for the Nebraska Affordable Housing Program. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The zoning administrator gave a report of the activities of his office; he provided a NMP Amendment on Mike Dlouhy Feedlot on his Animal Feeding Operation.

Motion Oehlich; second Kracl to open a public hearing at 10:00 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use permit application by Marvin and Wanda Hanson to construct a residence on a ten acre tract zoned A-1 Agriculture and located in Section 22, Township 18N, Range 2 E; E1/2, S1/2, NE1/4, NE1/4, East of the 6th P.M. in Colfax County, Nebraska. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to construct a log home on ten acres of their property. There is legal access to an improved road, a well and septic system installed by licensed installers, and all set back requirements shall be met. All notices have been published and posted and the proper fees have been paid. It is the recommendation of the planning commission to disapprove the conditional use as there are already two residences in this quarter section; which would exceed the limit density.

The applicant was present and provided maps of the property to the commissioners; he stated that he feels his land is grandfathered and that he should be granted the conditional use permit or that the zoning should be change to A-3 zoning district.

An adjacent land owner stated that they are not planning on building on their property.

Motion Heard; second Kracl to close the public hearing at 10:28 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to accept the recommendation of the planning commission and disapprove the conditional use application by Marvin and Wanda Hanson. Voting YES: Oehlich and Heard. Voting NO: Kracl. Motion carried.

Motion Heard; second Kracl to open a public hearing at 10:30 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use permit application by Kenneth and Barbara Blum to build a wind driven electrical generator to produce electricity to be used by them with excess power sold to the utility company on an 80 acre parcel zoned A-1 Agriculture and located in Section 9, Township 18, Range 3 East of the 6th P.M. in Colfax County, Nebraska. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to construct an 80 foot tall wind turbine for the purpose of generating electricity for their own use and to sell excess power to the utility company. Agreements have been obtained with the Nebraska Public Power District and the site of the tower has been determined. The zoning regulations require that safety requirements for towers of this height be observed. There is legal access to an improved public road and setbacks comply with county zoning regulations. All notices have been published and posted and the proper fees have been paid. Recommendation of the planning commission is to approve the application subject to the condition that if the system does not generate power for a period exceeding one year, it will be disassembled and taken down to the ground.

The applicant was not present.

Motion Heard; second Kracl to close the public hearing at 10:37 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Kracl; second Heard to accept the recommendation of the planning commission and grant approval of the conditional use application by Kenneth and Barbara Blum subject to the condition that if the system does not generate power for a period exceeding one year, it will be disassembled and take down to the ground. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Kracl; second Oehlich to open a public hearing at 10:38 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use permit application by Joseph F. and Lois A. Cockson to locate a residence on a five acre lot, exclusive of road right of way, located in the North ½, Northwest ½ of Section 29, Township 18, Range 4 E. of the 6th P.M. in Colfax County, Nebraska. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to separate a residence and farm building from the adjacent farm ground. There is legal access to a public road and a legal septic system and well on the property. All notices have been published and posted and the proper fees have been paid. Recommendation of the planning commission is to approve the application subject to the conditions: 1) the lot split to take effect when copy of survey of the site is furnished to zoning administrator. 2) five acre portion of the land to include all buildings.

The applicant was present and made no additional comments.

Motion Heard; second Kracl to close the public hearing at 10:45 a.m.
Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Heard; second Oehlrich to accept the recommendation of the planning commission and grant approval of the conditional use permit application by Joseph F. and Lois A. Cockson with the following conditions: 1) the lot split to take effect when copy of survey of the site is furnished to zoning administrator; 2) five acre portion of the land to include all buildings. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlrich to open a public hearing at 10:46 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a lot split application by Joseph F. and Lois A. Cockson to create a lot of five acres, exclusive of road right of way, located in the North ½, Northwest ½ of Section 29, Township 18, Range 4 East of the 6th P.M. in Colfax County, Nebraska. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to separate a residence and buildings from the adjacent farm ground, retaining approximately 5 acres around the buildings. All notices have been published and posted and the proper fees have been paid. Recommendation of the planning commission is to approve the application subject to the conditions: 1) the lot split to take effect when copy of survey of the site is furnished to zoning administrator. 2) five acre portion of the land to include all buildings.

The applicant was present and made no additional comments.

Motion Heard second Kracl to close the public hearing at 10:48 a.m.
Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Kracl; second Oehlrich to accept the recommendation of the planning commission and grant approval of the lot split application by Joseph F. and Lois A. Cockson with the following conditions: 1) the lot split to take effect when copy of survey of the site is furnished to zoning administrator; 2) five acre portion of the land to include all buildings. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlrich to open a public hearing at 11:00 am for the purpose of receiving comments, objections or recommendations from the public on the proposed 2010 One & Six Year Plan for Highway Improvement Plan as prepared by the road manager and consultant. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

The highway consultant and road manager reviewed the projects in the one-year plan and the six-year plan.

No one from the public was present at the hearing.

Motion Heard; second Oehlrich to close the public hearing at 11:02 a.m. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Oehlrich; second Kracl to approve Resolution 2-23-10(1) to approve the 2010 One & Six Year Plan for County Highway Improvements. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

The highway department gave a report of the activities of the road department; load limit signs were posted; the board asked the road manager to look into the purchase of a tandem axle barricade trailer.

Motion Oehlrich; second Heard to approve Resolution 2-23-10(2) to cancel the Federal Aid Project for Project #C001900105(BRO-7019(21). Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Joe Pietramale of Diesel Power Equipment Company informed the board that the lease on the New Holland skid loader will end in April and he provided purchase options to the board.

The clerk summarized the day's agenda and action taken.

Motion Kracl; second Heard to adjourn BOC at 11:55 a.m. to meet again March 8, 2010. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly appointed and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 24th day of February, 2010.

Rita M. Mundil, County Clerk
